

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-9885 CAS (MRWx)	Date	January 11, 2013
Title	MARVIN R. COOK, ET AL. v. EXPRESS CAPITAL LENDING, ET AL.		

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants

Not Present

Not Present

Proceedings: (In Chambers): ORDER DISMISSING COMPLAINT (Docket Nos. 5, 6, 10, 11, 15)

The Court finds this motion appropriate for decision without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Accordingly, the hearing date of January 14, 2013 is vacated, and the matter is hereby taken under submission.

Plaintiff filed the instant action in this Court on November 19, 2012. After reviewing plaintiff's complaint, the Court finds it to be unintelligible. Fed. R. Civ. Proc. 8(a)(2) ("A pleading that states a claim for relief must contain a short and plain statement of the claim showing that the pleader is entitled to relief."). The complaint contains several references to various defendants and to the Constitution, but does not allege any intelligible facts. Additionally, it is unclear why plaintiff possesses a private right of action to sue defendants for alleged violations of the Constitution. Consequently, the Court finds that plaintiff's complaint does not state a claim upon which relief can be granted, and therefore DISMISSES plaintiff's complaint without prejudice. Plaintiff must file an amended complaint that cures the deficiencies noted above by **February 11, 2013**. Failure to do so will result in dismissal of this action with prejudice.¹

IT IS SO ORDERED.

Initials of Preparer

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CMJ

¹ Several defendants in this case have filed motions to strike plaintiff's complaint pursuant to California's Anti-SLAPP statute, California Code of Civil Procedure § 425.16. Because plaintiff's complaint is unintelligible, the Court cannot determine whether plaintiff's complaint calls within the scope of California's Anti-SLAPP statute. Consequently, these motions are DENIED.